

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MAHFOOZ AHMAD,

Plaintiff,

-against-

20 **CIVIL** 4507 (JMF)

**JUDGMENT**

COLIN DAY, et al.,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated June 6, 2023, Defendants' motion to dismiss must be and is GRANTED, and the Second Amended Complaint is dismissed, without prejudice to refile the NYCHRL claims in state court. Ahmad's motions for a preliminary injunction, see ECF No. 212, for appointment of pro bono counsel, see ECF No. 232, to file certain documents under seal, see ECF No. 233, and to waive any injunction bond, see ECF No. 234, are therefore DENIED as moot. Further, because the Court previously granted Ahmad leave to amend, see ECF No. 187, and Ahmad neither suggests that he has additional facts that would cure the defects discussed above (some of which could not be cured), nor requests leave to amend again, the Court declines to sua sponte grant him another opportunity to amend, see, e.g., Roundtree v. NYC, No. 19-CV-2475 (JMF), 2021 WL 1667193, at \*6 (S.D.N.Y. Apr. 28, 2021) (citing cases); TechnoMarine SA v. Giftports, Inc., 758 F.3d 493, 505 (2d Cir. 2014) ("A plaintiff need not be given leave to amend if it fails to specify... how amendment would cure the pleading deficiencies in its complaint."). Finally, the Court certifies, pursuant to Title 28, United States Code, Section 1915(a)(3), that any appeal from this decision would not be taken in good faith, so in forma

pauperis status is denied. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

Judgment entered in Defendants' favor consistent with this Opinion and Order; accordingly, the case is closed.

**Dated:** New York, New York

June 7, 2023

**RUBY J. KRAJICK**

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**Clerk of Court**

**BY:**

A handwritten signature in black ink, appearing to be 'RJ', is written over a horizontal line.

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**Deputy Clerk**